

STATE OF INDIANA
MARION COUNTY, SS:

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION F18

THE STATE OF INDIANA)

vs.)

ANTHONY JOHNSON)

RACE: B SEX: M)

DOB: 12/10/1973)

INFORMATION

COUNT 1

BATTERY

CLASS D FELONY

I.C. 35-42-2-1(a)(2)(C)

Cause No.: 11007646

File Stamp

The undersigned affiant does hereby swear or affirm under the penalties of perjury that:

On or about January 5, 2011, in Marion County, State of Indiana, the following named defendant Anthony Johnson, who had care of (either assumed or through legal obligation) Christopher Aviah-Gyebi, did knowingly or intentionally touch Christopher Aviah-Gyebi, who is mentally and/or physically disabled, in a rude, insolent or angry manner; and further that said touching resulted in bodily injury to the other person, specifically: pain and/or bruising and/or abrasions.

All of which is contrary to the laws of the State of Indiana.

Signed

Juli Ann Batt

Printed Juli Ann Batt

State's Witnesses:

J. Davis, MCPD/APS

Eric Hester

Lisa Carrico

Shelonda White

Helena Samuels

Christopher Aviah-Gyebi

Katie Lee

Approved

[Signature]

Deputy Prosecuting Attorney
Nineteenth Judicial Circuit

STATE OF INDIANA
MARION COUNTY, SS:

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION F18

THE STATE OF INDIANA)
)
vs.)
)
ANTHONY JOHNSON)
)
RACE: B SEX: M)
)
DOB: 12/10/1973)

INFORMATION
COUNT 2
STRANGULATION

CLASS D FELONY
I.C. 35-42-2-9

Cause No.: 11007646

File Stamp

The undersigned affiant does hereby swear or affirm under the penalties of perjury that:

On or about January 5, 2011, in Marion County, State of Indiana, the following named defendant Anthony Johnson, did knowingly or intentionally, in a rude, insolent or angry manner, impede the normal breathing or the blood circulation of Christopher Aviah-Gyebi, another person, by applying pressure to the throat or neck of the other person or obstructing the nose or mouth of the other person.

All of which is contrary to the laws of the State of Indiana.

Signed Juli Ann Batt
Printed Juli Ann Batt

State's Witnesses:
Same as Count 1

Approved [Signature]
Deputy Prosecuting Attorney
Nineteenth Judicial Circuit

IN THE MARION SUPERIOR COURT
CRIMINAL DIVISION F18

INFORMATION

COUNT 3

BATTERY

CLASS B MISDEMEANOR

I.C. 35-42-2-1

File Stamp

DOB: 12/10/1973

Cause No.: 11007646

The undersigned affiant does hereby swear or affirm under the penalties of perjury that:

On or about January 5, 2011, in Marion County, State of Indiana, the following named defendant Anthony Johnson, did knowingly touch Helena Samuels, another person in a rude, insolent or angry manner.

All of which is contrary to the laws of the State of Indiana.

Signed

Printed Juli Ann Batt

Approved

Deputy Prosecuting Attorney
Nineteenth Judicial Circuit

AFFIDAVIT
FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

Joie K. Davis

swears (affirms) that:

On 01/07/2011, Staff at Larue D. Carter Memorial Hospital, Division of Mental Health and Addiction, State of Indiana, reported to the Indiana Adult Protective Service an incident involving Patient physical abuse by Staff.

The case was assigned to APS Investigator Joie K. Davis

On 01/13/2011, Investigator Davis contacted and interviewed Eric Heeter, Division Director for Adult Services at Larue Carter Hospital. Eric Heeter stated on 01/05/2011, an incident occurred on Unit 3C involving Patient Christopher Aviah-Gyebi, B/M/DOB/05/02/1979 and Behavioral Health Recovery Attendant (BHRA) Anthony Johnson. Eric Heeter said Christopher Aviah-Gyebi had entered a female counseling session on Unit 3C and was refusing to leave.

Eric Heeter further advised BHRA Anthony Johnson was attempting to remove Christopher Aviah-Gyebi for the session and escort him to another location when the altercation occurred. Heeter said allegedly the Patient struck the Employee and the Employee struck the Patient and a scuffle ensued. During the altercation other Staff observed both men on the tile floor with Christopher Aviah-Gyebi on top of Anthony Johnson hitting him. During the incident to additional BHRA Staff, Shelonda White, B/F/DOB/11/03/1981 and Helena Samuels, Ethiopian/F/DOB/12/17/1982, intervened and assisted Johnson in restraining Aviah-Gyebi.

On 01/17/2011, Investigator Davis traveled to Larue Carter Hospital, located at 2601 Colds Spring Road, Indianapolis IN and interviewed Staff employees, Lisa Carrico, W/F/DOB/05/17/1963, Shelonda White, B/F/DOB/11/03/1981 and Helena Samuels, Ethiopian/F/12/17/1982.

Shelonda White stated she and Helena Samuels observed the altercation between Co worker Anthony Johnson and Patient Christopher Aviah-Gyebi and immediately responded by each of them grabbing Christopher's wrist, restraining him, enabling Anthony Johnson to get free. Shelonda said she then observed Anthony Johnson immediately get on top of Christopher and put his forearm against Christopher's throat applying strong pressure. Shelonda White said it became apparent quickly that Christopher could not breathe. Additionally, Christopher showed no further aggression and was docile at that time.

not an appropriate restraint technique

Shelonda White said she then told Anthony Johnson to release the choke hold on the Patient.

I swear (affirm), under penalty of perjury as specified by I.C. 35-44-2-1, that the foregoing representations are true.

Dated

2-4-11

John A. B. [Signature]

Deputy Prosecuting Attorney
Nineteenth Judicial Circuit

Joie K. Davis [Signature]

Affiant

Judge
Marion Superior Court
Criminal Division, Room

AFFIDAVIT
FOR PROBABLE CAUSE

STATE OF INDIANA, COUNTY OF MARION, SS:

Joie K. Davis

swears (affirms) that:

Anthony Johnson's response was to turn to Shelonda White, curse her and continue the choke hold, applying even more pressure. Shelonda White advised at this time she felt if something wasn't done quickly Christopher would die. She and Helena Samuels continued pleading with Anthony Johnson to remove his forearm of the Patient's throat and both women used the weight of their bodies to dislodge Anthony Johnson off the Patient.

Helena Samuels's statement substantiated Shelonda White version of the incident. Helena Samuels recalls they made several verbal requests for Johnson to remove his forearm from the Patient's throat and Johnson only responded with profanity toward his co workers and continued to apply pressure to Avaih-Gyebi's throat. Helena Samuels also stated at one point while she was attempting to remove Johnson's arm from the Patient's throat, Johnson forcefully shoved her away to the floor.

On 01/20/11, Anthony Johnson came to the Indiana Adult Protective Services Office, located at 251 E. Ohio St, and after being given his "Advise of Rights, reading and signing same, was questioned about his involvement in the incident. Anthony Johnson stated he was trying to escort the Patient, Christopher Aviah-Gyebi, away from the female conference to another location when the Patient became resistive and a scuffle ensued. Johnson acknowledged at that time two female Staff came to his aid and assisted by restraining Gyebi.

Anthony Johnson admitted in interview at that time he did applied pressure to the Patient's throat with his forearm for an extended period and resisted efforts by his co-workers to cease the assault. He also confirmed using foul language toward his co-workers during the incident and admitted his activity was abusive toward the Patient.

After the incident ceased, Nurse Katie Lee gave Patient Christopher Avaih-Gyebi his PRN medication and he was cooperative and docile. Christopher Avaih-Gyebi later complained to Nurse Lee that his left elbow hurt. Staff did observe bruising and abrasions on the Patient's face at a later date. *Christopher Avaih-Gyebi also stated that he could not breath when Anthony Johnson was applying pressure to his neck.*

On June 9th, 2009, Delaware Circuit Court No. 3, Delaware County, State of Indiana found that Christopher Aviah-Gyebi was gravely disabled and suffering from Paranoid Schizophrenia. The court at that time committed him to Richmond State Hospital and he was later transferred to Larue Carter Hospital, where he resides today.

I swear (affirm), under penalty of perjury as specified by I.C. 35-44-2-1, that the foregoing representations are true.

Dated

2-4-11

John B. B...

Deputy Prosecuting Attorney
Nineteenth Judicial Circuit

Joie K. Davis

Affiant

Judge
Marion Superior Court
Criminal Division, Room